

## **REMARKS/ARGUMENTS**

The non-final Office Action of August 24, 2006, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

### **Allowable Claims**

Applicant notes with appreciation the indication of allowable subject matter in claims 14-16, 18-19, 31, 35-36, 45-47, and 49-50. Applicant has not rewritten these claims in independent form because Applicant maintains that all claims are presently allowable based on the arguments and remarks presented herein.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-3, 5-10, 20-30, 32-34, 37-38, and 40-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,321,267 to Donaldson, *et al.* (*Donaldson*), in view of U.S. Patent No. 7,092,992 to Yu (*Yu*). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 recites, in part, “determining a cumulative penalty count value associated with said sender identifier, wherein determining said cumulative penalty count value comprises assessing a penalty count value to said sender identifier for an undesirable activity performed by the sender.” The Office Action on page 6 correctly states that *Donaldson*, “does not specifically teach the details of a method ‘wherein determining said cumulative penalty count value comprises assessing a penalty count value to said sender identifier for an undesirable activity.’” However, the Office Action then alleges that *Yu* teaches this feature at col. 7, line 59 to col. 8 line 16. Applicant disagrees with this characterization of the *Yu* reference. *Yu* discloses techniques for identifying an unwanted email by (1) analyzing the content of the email and (2) comparing the sender to a list of authorized senders. (Col. 7, line 30 to col. 8, line 25) However, *Yu* never teaches or suggests “assessing a penalty count value to said sender identifier for an undesirable activity,” as recited in claim 1. In *Yu*, the generated “score value” refers only to the individual email message, not to the sender of the message. (Col. 8, lines 5-16) Thus, the decision to assign a higher or lower score to

an email is never based on any previous “undesirable activity” performed by the message sender, but simply based on the content of the email and the authorized sender list. Additionally, as with the previously considered reference, U.S. Patent No. 6,484,203 (*Porras*), *Yu* does not provide any indication how an email sender address might be added or removed from the authorized sender list. With regard to this list, *Yu* only states, “In step 810, a list of authorized sending addresses is generated. For example, authorized addresses may include addresses associated with the web site of the author of mail list 190, addresses from which other e-mails have been received for mail list 190, and other address that have been determined previously to be valid. Step 810 may be carried out in advance of processing e-mails, or as e-mails are processed.” (Col. 8, lines 32-39) For at least the above-stated reasons, and primarily because *Yu* does not teach or suggest “determining a cumulative penalty count value associated with said sender identifier,” Applicant submits that claim 1 is not obvious over the proposed combination of *Donaldson* and *Yu*. Claims 2, 3, and 5-19 are allowable over *Donaldson*, *Yu*, and their proposed combination, for at least the same reasons as base claim 1, as well as based on the additional features recited therein.

For example, claim 5 recites, “wherein said cumulative penalty count value comprises an activity penalty count charged to the sender for current undesirable sender activity and a time-dependent penalty count determined from previous undesirable sender activity.” The Office Action alleges on pages 7-8 that this feature is taught by *Donaldson* at col. 22, lines 22-23, col. 5, lines 59-67, and col. 6, lines 1-2. However, the Applicant disagrees that the cited portions of *Donaldson* teach or suggest either an “activity penalty count” or a “time-dependent penalty count.” Additionally, the Office Action acknowledges on page 6 that *Donaldson* fails to teach “assessing a penalty count value to the sender identifier for an undesirable activity performed by the sender.” Thus, the Applicant respectfully submits that if *Donaldson* fails to teach “assessing a penalty count ... for an undesirable activity,” with respect to claim 1, then it also fails to teach an “activity penalty count charged to the sender for current undesirable sender activity and a time-dependent penalty count determined from previous undesirable sender activity,” as recited in claim 5. Claims 6 and 7 depend from claim 5, and are similarly allowable over the proposed combination for this additional reason.

Independent claim 20 recites, similarly to claim 1, “said penalty count being a function of previous undesirable activity associated with the sender.” Independent claims 26, 37 and amended

claim 24 similarly recite, the “penalty count value is based at least in part on previous undesirable activity performed by the sender.” Thus, for at least the same reasons discussed above in relation to claim 1, independent claims 20, 24, 26, and 37 are not obvious over the cited references. Dependent claims 21-23, 25, 27-36, 38, and 40-50 are allowable over *Donaldson, Yu*, and their proposed combination for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

Claims 11-13, 17, 42-44, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Donaldson* and *Yu*, in view of U.S. Patent No. 6, 502,135 to *Munger et al. (Munger)*. However, since *Munger* does not teach or suggest a “penalty count value” in relation to or based on a “previous undesirable activity performed by the sender,” as recited in the independent claims, *Munger* thus fails to overcome the above-discussed deficiencies of *Donaldson* and *Yu*. Therefore, claims 11-13, 17, 42-44, and 48, are allowable over *Donaldson, Yu, Munger*, and their proposed combination for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

### CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,  
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Dated: Nov. 15, 2006

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